

### REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

As shown in the foregoing LIST OF CURRENT CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

Claim 1 is amended to correct minor informalities and to incorporate the features of claim 4.

Claims 2, 3, 11, and 12 are amended to correct minor informalities.

Claim 4 is canceled and the subject matter thereof added to amended claim 1.

Claim 5 is amended to depend from amended claim 1 instead of canceled claim 4.

It is respectfully submitted that no new matter is added, since the amendments merely merge the subject matter of existing claims and correct minor informalities.

Claims 6-10 and 13 are left unchanged.

Entry of the LIST OF CURRENT CLAIMS is respectfully requested in the next Office communication.

B. Claim objections

Reconsideration and removal of the claim objections is respectfully requested, in view of the amendments to the claims, on the basis that the minor informalities noted in the Office action have been corrected.

Accordingly, removal of the claim objections is respectfully requested.

C. Rejection of claims 1-13 under 35 U.S.C. § 112 second paragraph

Reconsideration of this rejection is respectfully requested, in view of the amendments to the claims, on the basis that the amended claims are clear and definite.

With respect to claim 1, a first and second desired level are now recited to clarify that two different levels are recited.

With respect to claim 3, the phrase “a certain length of time” has been deleted.

With respect to claim 11, the claim clarifies that in order to obtain a low priority, a positive value is subtracted from the scores of the low selection priority compressor, and the language “all the greater as the priority is low” has been deleted.

Regarding claim 12, the claim is amended to be consistent with claim 1, which recites two or more compressors and “at least one” control unit associated with each compressor.

In view of these amendments, it is respectfully submitted that claims 1, 3, 11, and 12 are clear and definite. Accordingly, withdrawal of this rejection is respectfully requested.

2. Rejection of claims 1-3, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 4,502,842 (*Currier et al.*)

This rejection is rendered moot by the inclusion in amended claim 1 of the indicated allowable subject matter of claim 4.

Accordingly, withdrawal of this rejection is respectfully requested.

Applicant submits that independent claim 1 is now patentable and therefore, claims 2, 3, 12, and 13, which depend from claim 1, are also considered to be patentable as containing all of the features of claim 1, as well as for their respective recited features.

3. Allowable subject matter

The applicant gratefully acknowledges the indication of allowable subject matter in claims 4-11. Accordingly, the subject matter of claim 4 has been added to

independent claim 1, from which all of the remaining claims depend, and allowance of the amended claims is respectfully requested.

4. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

Date: November 17, 2009

Respectfully submitted,  
  
/Patrick M. Buechner/

PATRICK M. BUECHNER  
Attorney for Applicant  
Registration No. 57,504